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HOUSE MEMORIAL

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Thomas A. Garcia

A MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CREATE THE
INTERIM "LIQUOR LICENSING LAWS REVIEW COMMITTEE".

WHEREAS, it is the purpose of the Liquor Control Act to
license, regulate and control the sale, service and public
consumption of alcoholic beverages in order to protect the
public health, safety and morals of every community in the
state; and

WHEREAS, the Liquor Control Act is the result of a
comprehensive review of New Mexico's liquor laws that occurred
in 1981, but there has been no similar comprehensive review for
twenty-six years; and

WHEREAS, New Mexico has a quota system of one license for
each two thousand inhabitants in municipalities and
unincorporated areas of counties for full-service liquor

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1 licenses; and

2 WHEREAS, in some municipalities and counties there are
3 more licenses than the quota system would otherwise permit, but
4 these licenses have been permitted by the Liquor Control Act;
5 and

6 WHEREAS, a consequence of the quota system and additional
7 permitted licenses is that few if any new full-service licenses
8 can be issued in the foreseeable future; and

9 WHEREAS, one goal of the Liquor Control Act was to
10 eliminate the concept of vested property rights in liquor
11 licenses, but because full-service licenses can be transferred
12 as to ownership and location, they have gained or retained
13 inherent value, in some cases selling for thousands of dollars;
14 and

15 WHEREAS, the cost of a full-service liquor license, to the
16 extent one is available on the open market, is beyond the
17 economic means of some hospitality businesses that would
18 otherwise create economic development projects in New Mexico;
19 and

20 WHEREAS, the Liquor Control Act created the restaurant
21 license, which permits the sale and service of beer and wine
22 with meals, to address the economic development issue for
23 restaurants, but that license does not serve the needs of some
24 restaurants, hotels, destination resorts and similar large-
25 scale developments; and

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1 WHEREAS, each legislative session, there are bills
2 introduced to provide additional full-service licenses, but
3 these bills do not address the issue in a comprehensive manner;

4 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico
6 legislative council be requested to appoint an interim "liquor
7 licensing laws review committee" to receive testimony; to study
8 liquor licensing issues, including the quota system, the
9 ownership and location transfer of licenses, whether more
10 licenses would encourage economic development, the marketing of
11 liquor licenses and the impact of additional licenses on the
12 health, safety and morals of New Mexicans; and to recommend
13 appropriate actions needed to address relevant issues
14 identified from testimony and the study process; and

15 BE IT FURTHER RESOLVED that the New Mexico legislative
16 council be requested to appoint twenty members to the interim
17 liquor licensing laws review committee with political party
18 affiliation proportionate to that in the New Mexico
19 legislature; and

20 BE IT FURTHER RESOLVED that the liquor licensing laws
21 review committee report its findings and make its
22 recommendations to the legislature by January 1, 2008; and

23 BE IT FURTHER RESOLVED that copies of this memorial be
24 transmitted to the co-chairs of the New Mexico legislative
25 council.

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